

## **EAST PALESTINE VILLAGE COUNCIL-SEPTEMBER 24, 2012- PARK COMMUNITY CENTER 7 P.M.**

Mayor Zuch called the meeting to order, prior to role call the Mayor swore in Mr. Alan Cohen as a councilman taking over the vacated seat by Mr. Scott Rauch. Present at the meeting were Atty. Beagle, Mr. Cohen, Mr. Elzer, Mr. Figley, Mr. Tyger and Mrs. Wisser. The minutes from the September 10 meeting were approved on a motion by Mr. Elzer seconded by Mr. Tyger. There were no agenda items or Clerks report.

**MAYOR:** Mayor Zuch appointed Councilman Alan Cohen as Chairman of the Safety/Park/Rec/Cemetery Committee. She also stated that by now everyone probably already knew, but the railroad tracks at Market Street were closed for repair and should be reopened by Wednesday the 26<sup>th</sup> by 8pm.

**MANAGER:** Village Manager Pete Monteleone stated he had given Council a written report in their packets. Mr. Elzer asked the Manager about the crack sealing that had been discussed at the last meeting, stating that they were looking at doing it in house or having a contractor do it. He asked what had been decided. The Manager stated they decided to go with a contractor this year to get everything caught up.

**LAW DIRECTOR:** Atty Smith stated that per the Charter section 3.08 Council has the authority to change the committees. Also, at Councils request she had drawn up 2 different options for legislation to split up the committee workload. Mr. Elzer felt it was a good idea to do this and split up the safety/park/rec/cemetery since that is such a large committee and others had shown interest in the safety and park portion. A brief discussion followed concerning how to split the committee. Whether it should be safety moved to the legislative committee, moving safety to utilities or moving utilities to legislation. Atty Beagle stated she didn't understand how the committees could be split up if there are not definitions for each committee. She stated that per the Charter, January 1 to the 15<sup>th</sup> of each year is when the reorganization of the committees are supposed to take place and she is not in favor of changing anything now. Mr. Cohen asked Mr. Elzer why he wanted to change the committees around and if he felt he (Mr. Cohen) wasn't capable of doing the job the way it is. Mr. Elzer stated that was not the case that this is something that has been discussed multiple times over the last year and had nothing to do with Mr. Cohen's capabilities. That it was only to make the committee assignments more equal. Mr. Cohen stated that the mayor appoints the committees in January of each year and thinks they should wait until January to make any changes. He also stated he wanted the opportunity to chair the committee as it currently is.

### **STREET: NO REPORT**

**SAFETY/PARK/REC/CEMETERY:** Mr. Cohen stated he attended the Park Board meeting last week. He said that the playground is looking great and thanked the Rotary for all of their hard work, saying they spent over \$1400 on the repairs and that they are looking at spending an additional \$300 for new swings. He said the Park Board also discussed the horseshoe pits. They are in very bad condition and either need repaired or removed and they would like to have some input on this before spring as to what should be done. He said that the Board and Don Smith are in talks concerning staining the railing on the Community Center porch. He stated that it is getting closer to the election and that the Park has 2 renewal levies on the ballot. He wanted to make clear that these are renewals and not new levies, there will be no new taxes and that these levies are very important to running the park. And that he will continue to remind everyone of this in the weeks leading up to the election. Mr. Cohen stated that he has reviewed the report from Dot Herbert and it is full of useful information. He feels that the pool should have a discount for senior citizens and if they had done that this year, it would have only cost \$156. He feels that the pool and the Village should be more senior friendly. He stated that both of the chlorine pumps at the pool are old and feels that there should be a spare on hand because if one of those pumps would go down in the summer, they would lose a lot of revenue at the pool waiting for a new one or the old one to be repaired. Mr. Cohen also stated that the fryers in the concession stand are very old and outdated and it's hard to find parts to repair them. New fryers would cost anywhere from \$5000 to \$7000 dollars. He said possibly the Village could start a "fryer fund" and take a portion of the concession stand revenues to pay for new fryers. The Manager stated that he, the Finance Director, Jerry Coblentz, and Dot Herbert met recently and went over the budget for next year and are trying to come up with a plan for those issues. He stated that Coblentz is getting prices for those items. Mayor Zuch thanked Mr. Cohen for being more friendly to seniors. Mr. Cohen stated that Atty. Beagle and Mrs. Wisser are both on his committee and he intends to ask for their input at every meeting. Atty. Beagle stated she wanted everyone to see the new fire truck that was there because those are the things that make the community pop. She also recognized Mr. Kim Sansenbaugher for 40 years of service with our fire department. She said the amount of work given to the community is great. She stated she meets frequently with Police Chief Kevin Dickey and has seen him have some sticky situations thrown in his lap and he has handled them admirably, better than she could have hoped.

**DEVELOPMENT: NO REPORT.** Mr. Elzer did want to mention the new Police dog Toney. Monteleone stated that the dog is here and doing great and that the dog was certified in Ohio last week and they are going to begin utilizing her. He stated they want to give Officer Johnson some time to work with her and in about a month or so they would like to give a demonstration at council. Atty Beagle stated that Toney is an officer of the law and that people shouldn't do anything to the dog that you wouldn't do to an officer.

**UTILITY: NO REPORT.** Mrs. Wisser stated she had previously spoke about a program the school uses to notify the public of events or closures called "remind 101". It is a text program that goes out to anyone that signs up for notifications. She stated that she would like to see that for the Village. Atty Beagle stated that she spoke with John Jurjavic and he told her that the Moore Lane project is 75% complete and is going very well, and that the Wheathill water tank replacement is progressing. She asked him to explain some other projects that were in the works at the wastewater plant. Jurjavic stated that they have to do a nutrient study of the stream but that the weather hasn't been cooperating and the stream has been dry. The other is in reference to the EQ Tank; by the end of their permit in August 2015 they have to have a plan submitted to the EPA. Atty Beagle stated that she would like everyone to understand that we are customers of the water and sewer system and all of these projects are very important. She said that she tends to ignore the water and sewer until she doesn't have it, but that it is a very big asset for the Village, along with the Park, and Police & Fire. She wants to let everyone know how much is here and what we have to offer.

**FINANCE:** Mr. Tyger stated the budget is on track, he stated that Monteleone and Thompson have it pretty much finished and will try to have a copy for everyone the last meeting in October and then there will be 3 readings and make amendments if needed. Mr. Tyger asked Chief Todd how the ambulance billing is coming. Chief Todd stated they are

making headway and have gotten some payments recently. Todd stated this problem is affecting the surrounding communities not just East Palestine.

**NO COMMENTS ON CURRENT LEGISLATION**

**VISITORS:** John & Dot Herbert, Traci Thompson, Katie Schwendmen, Patti Bosley, Kip Reeves, Betty Reeves, Rich & Kay Westover, Chuck McGuire, Jim Mackall, Dan Scott, Larry & Terri Ward, Emery Coon, Kim Sansenbaugher, Chief Todd, Brock Jurjavcic, Karen King, Rich Bolon, Park Grim, Shirley Wilson, Brent Wilson, Virginia Foster, John Davis, Chief Dickey, Tami & Bob Harris, John Jurjavcic, Bill & Jean Riddle, Dianna Elzer.

**LEGISLATION:** Atty. Beagle introduced **Res. 20-2012** and made a motion that it be read by title only. All in favor. **A resolution appointing Peter Monteleone as Village Manager for the Village of East Palestine, Ohio and establishing the compensation of said officer and declaring an emergency.** Atty Beagle made a motion to suspend the rules and declare an emergency. All in favor, motion carried. Atty Beagle called for a vote on **Res. 20-2012.** Atty. Beagle-y, Mr. Elzer-y, Mr. Cohen-y, Mr. Figley-y, Mr. Tyger-y, and Mrs. Wissner-y. 6 yes to pass. Atty Beagle introduced **Ord. 23-2012** and made a motion that it be read by title only. All in favor. **An ordinance providing for the authorization of the village manager to solicit bids and further sell personal property, identified as a 1983 truck, vin#gbhk34w2dv109201, deemed not needed for the municipal use with the approval of the boards, officer and /or director having supervision thereof and /or municipal council, and in accord with the methods of sale authorized by Ohio revised code 721.15, et seq., and declaring an emergency.** Mr. Elzer asked why this was an emergency. Atty Smith stated she thought they just wanted it sold to get the revenue rather than it just sitting there and being on the insurance. Mr. Cohen stated he does not like emergency legislation. Mr. Elzer stated there are times that it is needed. Mrs. Wissner said she doesn't remember having a regular one for a while. Mayor Zuch said this could be done as a first reading and if someone wants to buy it in between time, it could be passed as an emergency. Atty Beagle asked if a line should be drawn thru the emergency clause, and Mayor Zuch said no, to leave it in, in case someone makes an offer, it could be passed at the next meeting. Atty Beagle asked if that could not be done if the emergency clause is taken out. Atty Smith said she was correct because it would have to go 3 readings if it's taken out. Mayor Zuch stated that in the past there have been ordinances that have been read as an emergency but have gone 3 readings, then at the last reading it is declared an emergency and it goes into effect immediately instead of having the 30 day waiting period. Mr. Cohen stated that when any legislation is passed as an emergency, the citizens of the community lose the right to challenge that legislation, that it cannot be challenged by a referendum vote. Mayor Zuch stated if it has 3 readings, the citizens have six weeks to decide if they want it or not. Mr. Cohen said that by Charter, the citizens could have an ordinance repealed by putting it on the ballot, except if it is passed as an emergency. He said that is his main reasoning for not liking emergencies; the other is that it is not an emergency. Mr. Figley said he doesn't understand the purpose of emergency legislation, and asked when you discuss it. If it's not an emergency, it gets three readings and that's when it's discussed, and the public hears about it and can voice their opinions then. Mr. Figley asked for an explanation of emergency legislation. Atty Smith said it is typically for the health and preservation and financial welfare for the community. She said specifically this ordinance is not a safety issue, but you have a piece of equipment not being used, and are paying insurance on that it is more of a financial issue. To get rid of it, get it off the insurance and collect the revenues on it. Mr. Figley said that with that description, almost anything could be justified as an emergency. Mr. Figley said there should be discussion on all legislation. Mayor Zuch stated that there are time sensitive issues that need the clause such as the budget. Mr. Figley said he objects to that also, that they get the budget on the last day and it has to be passed because of the state. Mr. Figley stated that it's not going to be like that this year because they have been working on it. Mr. Cohen said his understanding is it has to be an immediate threat to health, safety or welfare. Atty Beagle asked what should be done, and Atty Smith said it would just be a first reading for **Ord. 23-2012.** Mr. Elzer asked for more details on the truck itself. Monteleone said his understanding was it a vehicle that is broke down and needed more repairs than it is worth. Chief Todd stated that he has the newest fire truck outside for everyone to see. It is an investment of \$255,000 of the taxpayer's money and that is a good quality truck. In addition to the money the Village paid, the Fireman's Association bought a very good set of rescue tools, and paid for the compartmentation inside the truck because it doesn't come with all of the shelves and trays and tools. He said the Fireman's Association has \$23,000 invested in that truck in addition to the Villages purchase price. He said it should last at least 20 to 25 years. Mr. Figley thanked the residents who were there for coming to the meetings. Mr. Figley made a motion to adjourn the meeting, seconded by Mr. Cohen. All in favor. Meeting adjourned.

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**MAYOR MARGO ZUCH**

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**MISTI J. MARTIN - CLERK**